

May 20, 2011

**AO DRAFT COMMENT PROCEDURES**

The Commission permits the submission of written public comments on draft advisory opinions when on the agenda for a Commission meeting.

Two Alternative DRAFTS of ADVISORY OPINION 2011-07 are available for public comments under this procedure. It was requested by Randall B. Hebert on behalf of Chuck Fleischmann for Congress, Inc.

The two alternative Drafts of Advisory Opinion 2011-07 are scheduled to be on the Commission's agenda for its public meeting of Thursday, May 26, 2011.

If you wish to comment on the Alternative DRAFTS of ADVISORY OPINION 2011-07, please note the following requirements:

- 1) Comments must be in writing, and they must be both legible and complete.
- 2) Comments must be submitted to the Office of the Commission Secretary by hand delivery or fax ((202) 208-3333), with a duplicate copy submitted to the Office of General Counsel by hand delivery or fax ((202) 219-3923).
- 3) Comments must be received by noon (Eastern Time) on May 25, 2011.
- 4) The Commission will generally not accept comments received after the deadline. Requests to extend the comment period are discouraged and unwelcome. An extension request will be considered only if received before the comment deadline and then only on a case-by-case basis in special circumstances.
- 5) All timely received comments will be made available to the public at the Commission's Public Records Office and will be posted on the Commission's website at <http://saos.nictusa.com/saos/searchao>.

**REQUESTOR APPEARANCES BEFORE THE COMMISSION**

The Commission has implemented a pilot program to allow advisory opinion requestors, or their counsel, to appear before the Commission to answer questions at the open meeting at which the Commission considers the draft advisory opinion. This program took effect on July 7, 2009.

**Under the program:**

- 1) A requestor has an automatic right to appear before the Commission if any public draft of the advisory opinion is made available to the requestor or requestor's counsel less than one week before the public meeting at which the advisory opinion request will be considered. Under these circumstances, no advance written notice of intent to appear is required. This one-week period is shortened to three days for advisory opinions under the expedited twenty-day procedure in 2 U.S.C. 437f(a)(2).**
- 2) A requestor must provide written notice of intent to appear before the Commission if all public drafts of the advisory opinion are made available to requestor or requestor's counsel at least one week before the public meeting at which the Commission will consider the advisory opinion request. This one-week period is shortened to three days for advisory opinions under the expedited twenty-day procedure in 2 U.S.C. 437f(a)(2). The notice of intent to appear must be received by the Office of the Commission Secretary by hand delivery, email ([Secretary@fec.gov](mailto:Secretary@fec.gov)), or fax ((202) 208-3333), no later than 48 hours before the scheduled public meeting. Requestors are responsible for ensuring that the Office of the Commission Secretary receives timely notice.**
- 3) Requestors or their counsel unable to appear physically at a public meeting may participate by telephone, subject to the Commission's technical capabilities.**
- 4) Requestors or their counsel who appear before the Commission may do so only for the limited purpose of addressing questions raised by the Commission at the public meeting. Their appearance does not guarantee that any questions will be asked.**

**FOR FURTHER INFORMATION**

Press inquiries: Judith Ingram  
Press Officer  
(202) 694-1220

Commission Secretary: Shawn Woodhead Werth  
(202) 694-1040

Comment Submission Procedure: Rosemary C. Smith  
Associate General Counsel  
(202) 694-1650

Other inquiries:

To obtain copies of documents related to 2010-19, contact the Public Records Office at (202) 694-1120 or (800) 424-9530, or visit the Commission's website at <http://saos.nictusa.com/saos/searchao>.

**ADDRESSES**

Office of the Commission Secretary  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Office of General Counsel  
ATTN: Rosemary C. Smith, Esq.  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

**AGENDA DOCUMENT NO. 11-25**



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2011 MAY 20 P 1:20

**AGENDA ITEM**  
For Meeting of 5/26/11

May 20, 2011

**SUBMITTED LATE**

**MEMORANDUM**

TO: The Commission

FROM: Christopher Hughey *pch*  
Acting General Counsel

Rosemary C. Smith *RCS by pch*  
Associate General Counsel

Robert M. Knop *RMK*  
Assistant General Counsel

Neven F. Stipanovic *NFS by RMK*  
Attorney

Subject: AO 2011-07 (Fleischmann for Congress) – Drafts A and B

Attached are two proposed drafts (Drafts A and B) of the subject advisory opinion. We have been asked to place these drafts on the agenda for May 26, 2011.

Attachments

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2011 MAY 20 P 1: 20

1 ADVISORY OPINION 2011-07  
2  
3 Randall B. Hebert  
4 Treasurer  
5 Chuck Fleischmann for Congress, Inc.  
6 Henderson, Hutcherson, McCullough, PLLC  
7 1200 Market Street  
8 Chattanooga, TN 37402  
9  
10

DRAFT A

11 Dear Mr. Hebert:

12 We are responding to your advisory opinion request on behalf of Chuck  
13 Fleischmann for Congress, Inc. (the "Committee"), concerning the application of the  
14 Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission  
15 regulations to the use of campaign funds to pay legal fees and expenses of a former  
16 campaign consultant.

17 The Commission concludes that the Committee may not use campaign funds to  
18 pay the legal fees and expenses described in this request because such payment would  
19 constitute personal use under the Act and Commission regulations.

20 ***Background***

21 The facts presented in this advisory opinion are based on your letter received on  
22 April 21, 2011, and public disclosure reports filed with the Commission.

23 Chuck Fleischmann is the U.S. Representative from the Third District of  
24 Tennessee. The Committee is Representative Fleischmann's principal campaign  
25 committee. In the 2010 primary election, Representative Fleischmann won the  
26 Republican Party nomination for the Third District of Tennessee over his opponent, Ms.  
27 Robin T. Smith.

1           During the 2010 campaign, Mr. John Bruce Saltsman, Jr. was a consultant  
2 employed by S&S Strategies LLC. *See* Request at 1; Committee’s July 2010 Quarterly  
3 Report, FEC Form 3, Schedule A. Through S&S Strategies LLC, Mr. Saltsman provided  
4 campaign advice to then-candidate Fleischmann. *See* Request at 1. Mr. Saltsman is  
5 currently Chief of Staff for Representative Fleischmann’s Congressional office.

6           Mr. Saltsman has been sued by Mr. Mark A. Winslow for tortious interference  
7 with a contractual relationship and defamation. Mr. Winslow was a campaign staffer for  
8 then-candidate Robin T. Smith during the 2010 Republican Party primary election. *See*  
9 Complaint at 1, *Winslow v. Saltsman*, No. 11-C229 (Davidson County, Tenn. Cir. Ct.  
10 filed Jan. 18, 2011).

11           Mr. Winslow’s complaint alleges that Mr. Saltsman “improperly obtained” and  
12 disseminated to the press a confidential employment agreement between Mr. Winslow  
13 and his former employer, the Tennessee Republican Party. Further, the complaint alleges  
14 that then-candidate Fleischmann used Mr. Winslow’s employment agreement during the  
15 campaign to attack his opponent, Ms. Smith. Mr. Saltsman, moreover, allegedly made  
16 defamatory statements about Mr. Winslow to the press. Lastly, the complaint alleges that  
17 Ms. Smith was defeated in large part due to Mr. Saltsman’s actions.

18 ***Question Presented***

19           *May the Committee use campaign funds to pay legal fees and expenses of a*  
20 *campaign consultant arising from a civil suit against the campaign consultant brought by*  
21 *an employee of the candidate’s opponent during the 2010 election?*

22

1 ***Legal Analysis and Conclusions***

2 No, the Committee may not use campaign funds to pay these legal fees and  
3 expenses because such payment would constitute personal use under the Act and  
4 Commission regulations.

5 The Act identifies six categories of permissible uses of contributions accepted by  
6 a Federal candidate. They include: (1) otherwise authorized expenditures in connection  
7 with the candidate's campaign for Federal office; (2) ordinary and necessary expenses  
8 incurred in connection with the duties of the individual as a holder of Federal office; and  
9 (3) any other lawful purpose not prohibited by 2 U.S.C. 439a(b). 2 U.S.C. 439a(a);  
10 11 CFR 113.2(a)-(e).

11 Under the Act and Commission regulations, contributions accepted by a candidate  
12 may not be converted to "personal use" by any person. 2 U.S.C. 439a(b)(1);  
13 11 CFR 113.2(e). The Act specifies that conversion to personal use occurs when a  
14 contribution or amount is used "to fulfill any commitment, obligation, or expense of a  
15 person that would exist irrespective of the candidate's election campaign or individual's  
16 duties as a holder of Federal office." 2 U.S.C. 439a(b)(2); *see also* 11 CFR 113.1(g).

17 The Act and Commission regulations provide a non-exhaustive list of items that  
18 would constitute personal use *per se*, none of which applies here. For items not on this  
19 list, the Commission determines on a case-by-case basis whether an expense would fall  
20 within the definition of "personal use." 11 CFR 113.1(g)(1)(ii). Commission regulations  
21 specifically provide that "legal expenses" are subject to a case-by-case determination.  
22 11 CFR 113.1(g)(1)(ii)(A).

1           The Commission has long recognized that if a candidate “can reasonably show  
2   that the expenses at issue resulted from campaign or officeholder activities, the  
3   Commission will not consider the use to be personal use.” Explanation and Justification  
4   for Final Rules on Expenditures; Reports by Political Committees; Personal Use of  
5   Campaign Funds, 60 FR 7862, 7867 (Feb. 9, 1995). Legal fees and expenses, however,  
6   “will not be treated as though they are campaign or officeholder related merely because  
7   the underlying proceedings have some impact on the campaign or the officeholder’s  
8   status.” *Id.* at 7868. For example, “legal expenses associated with a divorce or charges  
9   of driving under the influence of alcohol will be treated as personal, rather than campaign  
10   or officeholder related.” *Id.*

11           Here, the Committee seeks to use campaign funds to pay the legal expenses of a  
12   person other than the candidate. Representative Fleischmann is not a party to the  
13   underlying civil suit, nor is he seeking to use campaign funds to pay for his own legal  
14   fees. Rather, the legal fees would be used entirely for the purpose of representing Mr.  
15   Saltsman. In Advisory Opinion 1998-01 (Hilliard), the Commission concluded that  
16   campaign funds may not be used to pay legal expenses that are primarily for the purposes  
17   of representing persons other than the candidate. *Sae* Advisory Opinion 1998-01

18

1 (Hilliard) at n.4. The “other persons” in that instance referred to businesses and charities  
2 owned by the candidate.<sup>1</sup>

3 The Commission, nonetheless, has approved, in one instance, the use of campaign  
4 funds for legal fees of current and former congressional staff members. Advisory  
5 Opinion 2009-20 (Visclosky). That Advisory Opinion is relevant here because Mr.  
6 Saltsman is on the current staff of Representative Fleischmann, and is a former consultant  
7 to Representative Fleischmann’s campaign. The Commission concludes, however, that  
8 the circumstances in Advisory Opinion 2009-20 (Visclosky) are materially different from  
9 those presented here. Congressional staffers in that instance incurred legal fees  
10 associated with the Federal government investigation of Representative Visclosky, for  
11 allegedly improper receipt of campaign contributions and obtaining earmarked  
12 appropriations for clients of a lobby group. In particular, the staff members had received,  
13 or expected to receive, grand jury subpoenas to produce documents related to the  
14 investigation. The underlying investigation, therefore, was directly related to the alleged  
15 actions of Representative Visclosky.<sup>2</sup>

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<sup>1</sup> The issue in that advisory opinion was whether campaign funds may be used to pay for legal fees related to media allegations of improper conduct by the candidate, his principal campaign committee, district congressional office, and businesses and charities owned by the candidate. Some of the allegations, including those regarding the improper conduct of the candidate-owned businesses and charities, were not campaign related. Nonetheless, the request stated that these allegations were campaign issues, and that the candidate had been forced to respond to them in a campaign or official context. *See* Advisory Opinion 1998-01 (Hilliard) at 2. In this context, the Commission approved the use of campaign funds to pay for legal fees of the candidate, as well as his principal campaign committee and the district congressional office, but not for other persons.

<sup>2</sup> In one other instance, the Commission has approved use of campaign funds legal expenses related to media inquiries and allegations concerning both a candidate and the candidate’s spouse. Advisory Opinion 1996-24 (Cooley). Specifically, the campaign funds paid for conferences between the candidate, his spouse, and the candidate’s legal counsel. The campaign funds, however, were primarily used to pay legal fees of the candidate.

1           Here, in contrast, the relationship between the underlying civil lawsuit and  
2 Representative Fleischmann's campaign or officeholder duties is significantly more  
3 attenuated. Although Mr. Saltsman currently is Representative Fleischmann's Chief of  
4 Staff, he was not a campaign staffer at the time the alleged events occurred, or at any  
5 other point in the campaign. Mr. Saltsman advised the campaign, but he did so as an  
6 employee of another company, S&S Strategies LLC. The Committee's reports filed with  
7 the Commission show that the Committee made disbursements for consulting services to  
8 S&S Strategies LLC, but not to Mr. Saltsman. *See* Committee's July 2010 Quarterly  
9 Report, 2010 Post-Election Report, and 2010 Year-End Report. In effect, S&S Strategies  
10 LLC acted as a third party vendor in relation to the Committee. Legal fees incurred by an  
11 employee of a vendor are a step further removed from the candidate's campaign than was  
12 the case in Advisory Opinion 2009-20 (Visclosky). Vendors are in the business of  
13 providing goods and services. *See e.g.*, 11 CFR 116.1(d) (defining a commercial  
14 vendor). As such, vendors have an arm's length relationship with the candidate or a  
15 political committee and can protect themselves contractually against legal expenses  
16 arising from the candidate's campaign. For example, a vendor may include an  
17 indemnification clause in its contract with the candidate or a political committee that  
18 would cover such legal expenses. Permitting the use of campaign funds in the  
19 circumstances presented here could open the door to uses of campaign funds for legal  
20 expenses of vendors that would exist irrespective of the candidate's election campaign or  
21 individual's duties as a Federal officeholder.

22           Moreover, it is unclear from the request what role Mr. Saltsman played in then-  
23 candidate Fleischmann's campaign. Mr. Winslow's complaint alleges that Mr. Saltsman

1 “acted as a message and media consultant and assisted with shaping and creating  
2 campaign advertisements, or attack ads, directed at Ms. Smith.” *See* Complaint at 5. But  
3 the Committee itself merely states that Mr. Saltsman was a “campaign consultant,”  
4 without any information about Mr. Saltsman’s role with the campaign.<sup>3</sup> *See* Request at 1.  
5 The exact nature of the relationship between Mr. Saltsman and the campaign, therefore, is  
6 unclear. Without additional information about Mr. Saltsman’s role in the campaign, no  
7 conclusions may be drawn about the relationship between the campaign and Mr.  
8 Saltsman’s conduct alleged in the complaint. There is no information in the request that  
9 Mr. Saltsman was acting on behalf of the campaign or within the scope of his duties for  
10 the campaign, or that his actions were known, discussed, approved of, or acquiesced to by  
11 the campaign.

12 In addition, no allegation is made in Mr. Winslow’s complaint that Mr. Saltsman  
13 acted at the request of either Representative Fleischmann or the Committee, or even  
14 merely with their knowledge. Nor does the Committee indicate that this litigation might  
15 become an issue for Representative Fleischmann as an officeholder or candidate for  
16 reelection, unlike in Advisory Opinion 2009-20 (Visclosky). Indeed, the complaint does  
17 not allege any improper conduct by either Representative Fleischmann or by the  
18 Committee. While Representative Fleischmann allegedly benefited from Mr. Saltsman’s  
19 activity, this alone would not justify the use of campaign funds to pay Mr. Saltsman’s  
20 legal fees.

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<sup>3</sup> Indeed, Mr. Saltsman reportedly described to the press his involvement with the campaign as one of a  
“‘general consultant’ and not as one who handles the day-to-day,” and that his ‘main living these days’ was  
not made off of politics, but [he] certainly [does] like to help out good candidates when [he] can.” *See*  
Saltsman to Bring a Little ‘Magic’ to Neophyte’s Congressional Campaign, [nashvillepost.com](http://nashvillepost.com), available at  
<http://nashvillepost.com/print/26441> (last visited 04/26/2011).



1 ADVISORY OPINION 2011-07  
2  
3 Randall B. Hebert  
4 Treasurer  
5 Chuck Fleischmann for Congress, Inc.  
6 Henderson, Hutcherson, McCullough, PLLC  
7 1200 Market Street  
8 Chattanooga, TN 37402  
9  
10

**DRAFT B**

11 Dear Mr. Hebert:

12 We are responding to your advisory opinion request on behalf of Chuck  
13 Fleischmann for Congress, Inc. (the "Committee"), concerning the application of the  
14 Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission  
15 regulations to the use of campaign funds to pay legal fees and expenses of a former  
16 campaign consultant.

17 The Commission concludes that the Committee may use campaign funds to pay  
18 the legal fees and expenses described in this request because such payment would not  
19 constitute personal use under the Act and Commission regulations.

20 ***Background***

21 The facts presented in this advisory opinion are based on your letter received on  
22 April 21, 2011, and public disclosure reports filed with the Commission.

23 Chuck Fleischmann is the U.S. Representative from the Third District of  
24 Tennessee. The Committee is Representative Fleischmann's principal campaign  
25 committee. In the 2010 primary election, Representative Fleischmann won the  
26 Republican Party nomination for the Third District of Tennessee over his opponent, Ms.  
27 Robin T. Smith.

1           During the 2010 campaign, Mr. John Bruce Saltsman, Jr. was a consultant  
2 employed by S&S Strategies LLC. *See* Request at 1; Committee’s July 2010 Quarterly  
3 Report, FEC Form 3, Schedule A. Through S&S Strategies LLC, Mr. Saltsman provided  
4 campaign advice to then-candidate Fleischmann. *See* Request at 1. Mr. Saltsman is  
5 currently Chief of Staff for Representative Fleischmann’s Congressional office.

6           Mr. Saltsman has been sued by Mr. Mark A. Winslow for tortious interference  
7 with a contractual relationship and defamation. Mr. Winslow was a campaign staffer for  
8 then-candidate Robin T. Smith during the 2010 Republican Party primary election. *See*  
9 Complaint at 1, *Winslow v. Saltsman*, No. 11-C229 (Davidson County, Tenn. Cir. Ct.  
10 filed Jan. 18, 2011).

11           Mr. Winslow’s complaint alleges that “in his compensated role with Mr.  
12 Fleischmann’s congressional campaign, Mr. Saltsman acted as a message and media  
13 consultant and assisted with shaping and creating campaign advertisements, or attack ads,  
14 directed at Ms. Smith” and “improperly obtained” and disseminated to the press a  
15 confidential employment agreement between Mr. Winslow and his former employer, the  
16 Tennessee Republican Party. *See* Complaint at 5. Further, the complaint alleges that  
17 then-candidate Fleischmann used the employment agreement that Mr. Saltsman obtained  
18 during the campaign to attack his opponent, Ms. Smith, including in a television  
19 advertisement and during a radio interview. *Id.* at 5 and 6. Moreover, during the same  
20 radio program, Mr. Saltsman allegedly made defamatory statements about Mr. Winslow  
21 regarding the same issue. *Id.* at 6. Lastly, the complaint alleges Ms. Smith was defeated  
22 “in large part due to” Mr. Saltsman’s actions. *Id.*

1 ***Question Presented***

2 *May the Committee use campaign funds to pay legal fees and expenses of a*  
3 *campaign consultant arising from a civil suit against the campaign consultant brought by*  
4 *an employee of the candidate's opponent during the 2010 election?*

5 ***Legal Analysis and Conclusions***

6 Yes, the Committee may use campaign funds to pay these legal fees and expenses  
7 because such payment is for a lawful purpose that would not constitute personal use  
8 under the Act and Commission regulations.

9 The Act identifies six categories of permissible uses of contributions accepted by  
10 a Federal candidate. They include: (1) otherwise authorized expenditures in connection  
11 with the candidate's campaign for Federal office; (2) ordinary and necessary expenses  
12 incurred in connection with the duties of the individual as a holder of Federal office; and  
13 (3) any other lawful purpose not prohibited by 2 U.S.C. 439a(b). 2 U.S.C. 439a(a);  
14 11 CFR 113.2(a)-(e).

15 Under the Act and Commission regulations, contributions accepted by a candidate  
16 may not be converted to "personal use" by any person. 2 U.S.C. 439a(b)(1);  
17 11 CFR 113.2(e). The Act specifies that conversion to personal use occurs when a  
18 contribution or amount is used "to fulfill any commitment, obligation, or expense of a  
19 person that would exist irrespective of the candidate's election campaign or individual's  
20 duties as a holder of Federal office." 2 U.S.C. 439a(b)(2); *see also* 11 CFR 113.1(g).

21 The Act and Commission regulations provide a non-exhaustive list of items that  
22 would constitute personal use *per se*, none of which applies here. For items not on this  
23 list, the Commission determines on a case-by-case basis whether an expense would fall

1 within the definition of “personal use.” 11 CFR 113.1(g)(1)(ii). Commission regulations  
2 specifically provide that “legal expenses” are subject to a case-by-case determination.  
3 11 CFR 113.1(g)(1)(ii)(A).

4 The Commission has long recognized that if a candidate “can reasonably show  
5 that the expenses at issue resulted from campaign or officeholder activities, the  
6 Commission will not consider the use to be personal use.” Explanation and Justification  
7 for Final Rules on Expenditures; Reports by Political Committees; Personal Use of  
8 Campaign Funds, 60 FR 7862, 7867 (Feb. 9, 1995). Legal fees and expenses, however,  
9 “will not be treated as though they are campaign or officeholder related merely because  
10 the underlying proceedings have some impact on the campaign or the officeholder’s  
11 status.” *Id.* at 7868. Thus, the Commission has concluded that the use of campaign funds  
12 for legal fees and expenses does not constitute personal use when the legal proceedings  
13 involve allegations directly relating to the candidate’s campaign or duties as a Federal  
14 officeholder. *See, e.g.*, Advisory Opinions 2009-10 (Visclosky), 2008-07 (Vitter), 2006-  
15 35 (Kolbe), 2005-11 (Cunningham), and 2003-17 (Treffinger). On the other hand, “legal  
16 expenses associated with a divorce or charges of driving under the influence of alcohol  
17 will be treated as personal, rather than campaign or officeholder related.” Explanation  
18 and Justification for Final Rules on Expenditures; Reports by Political Committees;  
19 Personal Use of Campaign Funds, 60 FR 7862, 7867 (Feb. 9, 1995)

20 Here, the Committee seeks to use campaign funds to pay the legal expenses of a  
21 person who was working as a campaign consultant for the candidate, namely Mr.  
22 Saltsman. In Advisory Opinion 2009-20 (Visclosky), the Commission approved the use  
23 of campaign funds for the legal fees of persons other than the candidate. In that instance,

1 Representative Visclosky's current and former congressional staff members had received,  
2 or expected to receive, grand jury subpoenas to produce documents related to a Federal  
3 investigation of Representative Visclosky for alleged improper receipt of campaign  
4 contributions and obtaining earmarked appropriations for clients of a lobby group. The  
5 Commission concluded the staffers' expenses "would not exist irrespective of  
6 Representative Visclosky's campaign or duties as a Federal officeholder."<sup>1</sup>

7       Here, the civil lawsuit relates directly to Mr. Saltsman's activities conducted  
8 during, and for the sole purpose of furthering, Representative Fleischmann's campaign.  
9 As the complaint states, Mr. Saltsman acted as the campaign's message and media  
10 consultant and participated in the creation of campaign ads directed at Ms. Smith. In that  
11 capacity, Mr. Saltsman allegedly acquired and publicized plaintiff's employment  
12 agreement, including in the form of a campaign ad, which provides the basis of the  
13 lawsuit. Moreover, according to the complaint, Mr. Fleischmann used the materials Mr.  
14 Saltsman obtained as the basis for many of the attacks that Mr. Fleischmann made  
15 himself as a candidate against Ms. Smith. In fact, the complaint attributes Mr.  
16 Fleischmann's primary victory over Ms. Smith "in large part" to Mr. Saltman's actions.  
17 As a result, the complaint against Mr. Saltsman would not exist irrespective of  
18 Representative Fleischmann's campaign.

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<sup>1</sup> In one other instance, the Commission has approved use of campaign funds legal expenses related to media inquiries and allegations concerning both a candidate and the candidate's spouse. Advisory Opinion 1996-24 (Cooley). Specifically, the campaign funds paid for, *inter alia*, conferences between the candidate, his spouse, and the candidate's legal counsel. *Cf.* Advisory Opinion 1998-01 (Hilliard), in which the Commission concluded that campaign funds may not be used to pay legal expenses that are primarily for the purposes of representing persons other than the candidate with respect to activities and transactions that occurred prior to, or did not relate directly to, the campaign or Representative Hilliard's duties as a Federal officeholders. *See* Advisory Opinion 1998-01 (Hilliard) at n.4.

